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## **REMARKS/ARGUMENTS**

By this amendment, claims 1-6 are withdrawn from consideration. New claims 29-34 are added. Claims 1-34 are currently pending in the application. Claims 18-20, 23-25, 27, and 28 were indicated as allowable. Claims 13, 16, and 17 were objected to but indicated as allowable if rewritten in independent form. Claims 7-12 and 14 were rejected. Claims 9, 12, and 20 were objected to for typographical form errors. Claims 15 and 26 were objected to as being written in improper multiple dependent form. Claims 21 and 22 were objected to as being substantial duplicates of Claims 10 and 11. Claims 1-6, 15, 26 and 29-34 were not substantively examined. In view of the amendment, rejoinder of the withdrawn claims, examination of all claims on the merits, reconsideration of the rejections and objections, and allowance of all claims presented in this application, are respectfully requested.

### **Election/Restrictions**

Pursuant to the restriction requirement in the Office Action dated October 7, 2005, Applicant hereby elects *with traverse* Group II, claims 7-34 for further consideration. Applicant amended claim 7 to require an interface with at least one universal connector. Accordingly, the combination (II) as claimed now requires the particulars of the subcombination (I) as claimed because invention II now requires an interface with at least one universal connector. Rejoinder is requested.

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### Amendments to the Specification

Applicant corrected the specification generally as suggested in the Office Action. No new matter is presented by the amendments to the specification.

### Amendments to the Claims

The claims and specification are amended to address the objections to form presented in the Office Action. Claims 13 and 16 are presented in independent form including all limitations of base claim 7 and any intervening claims. Claims 9, 12, and 20 are amended to correct typographical form errors. Claims 15 and 26 are amended to place the claims in proper dependent form. Claims 21 and 22 are amended to depend from allowable claim 18. Claim 7 is amended to clarify and distinguish the Applicant's invention. As a result of the amendments, claims 13, 16, 17-25, and 27-28 are believed to be in allowable form.

### 35 U.S.C. § 103(a) Claim Rejections

The Office Action rejects claims 7-12 and 14 as obvious over U.S. Publication 2003/0162533 A1 to Moles et al. in view of U.S. Patent 6,487,403 B2 to Carroll. Applicant respectfully submits that these references both disclose over-the-air wireless device provisioning and do not disclose or suggest all elements of claim 7 and claims 8-12 and 14 depending therefrom. Carroll teaches a system that could only be utilized if wireless standards are modified, away from applicant's invention and Moles which are both directed to methods for use with existing

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wireless communication devices.

Claim 7 is directed to a method that allows a distributor of wireless communications devices to provision large quantities of wireless communications devices for various manufacturers, service providers, retailers, and end-users. The claimed provisioning method is directed to "production provisioning" with the option of performing "service provisioning" during or after the "production provisioning" process. "Production provisioning" refers to receiving wireless communications devices from a manufacturer that are not ready for use by an end user for a particular wireless network and preparing the devices for use on a particular wireless network by adding carrier-specific provisioning data such as roaming instructions, user features, number assignment module settings, browser and short message service settings, phone book entries, date book entries, message settings, carrier specific settings, user specific settings, or combinations thereof to the wireless communications device. "Production provisioning" is not required to make the wireless device active on a particular wireless network. "Production provisioning" is generally directed to preparing multiple identical units for shipment to a retail outlet or the like. An example of "production provisioning" would be preparing 100 Motorola® RAZR® V3 mobile phones as received from the manufacturer for use on the CINGULAR® wireless network by adding the appropriate carrier-specific data and settings.

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In contrast, "service provisioning" refers to the process of taking a specific wireless communication device that has usually already been through "production provisioning" and activating the particular wireless communication device for use with a specific user's wireless account on a specific wireless network. Moles teaches "the service provisioning process" includes "the transfer of Number Assignment Module (NAM) data, Preferred Roaming List (PRL) data, or authentication code (i.e., A-Key) data" to a wireless communication device. Paragraph 48. This process is most commonly recognized as the process of activating a mobile phone. It is often performed by the salesperson in a mobile phone store but can be performed by the end user when a phone is purchased online. An example of "service provisioning" is the process of a subscriber entering an A-key into the wireless device during the initial provisioning process to generate a shared secret data (SSD) code from the A-key for communication over the wireless network. Moles, Paragraph 50.

Another critical difference between "production provisioning" and "service provisioning" is the method utilized. Production provisioning cannot reliably be performed over-the-air using the wireless carrier's network because the wireless device is not prepared for use on any specific wireless carrier's network; however, "service provisioning" can be performed over-the-air via the wireless carrier's network only for wireless devices that have already been production provisioned.

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Applicant's invention is directed toward a method for primarily performing "production provisioning" of multiple wireless communication devices from different manufacturers for different wireless carriers over a wired connection utilizing a universal connector. Applicant's invention also discloses the possibility of performing "service provisioning" over the wired universal connection during the "production provisioning" process.

Claim 7 and Claims 8-12 and 14-15 that depend therefrom are directed to a method of provisioning a radiotelephone handset by transferring provisioning data. The term "provisioning data" as used in the claim refers primarily to "production provisioning" with "service provisioning" being optional. This definition is implicit because a wireless communication device, including a radiotelephone handset, can only undergo "service provisioning" during or after "production provisioning." "Service provisioning" is the final step to activate a wireless device on a carrier's wireless network after the "production provisioning" process transfers carrier-specific settings and other information required to operate on a given carrier's wireless network.

Claim 7 clearly demonstrates the distinction by specifying that the handset is connected to the provisioning system via a universal connector. "Service provisioning" is generally performed over the wireless network. This clarification to claim 7 demonstrates "provisioning data" refer primarily to "production

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provisioning” because the “provisioning data” are transferred via a wired universal connector. The description throughout the specification also describes a “production provisioning” method, not the “service provisioning” method disclosed in Moles and Carroll.

Moles and Carroll are directed toward a process for “service provisioning.” Moles and Carroll both disclose a provisioning method utilizing the a carrier’s wireless network or wireless base stations to perform “service provisioning” or activation on a mobile communication device. Specifically, Moles refers to a provisioning process where “[a] human operator must talk the user through the process of pressing keys and verifying screen results” to perform the “over-the-air (OTA) cellular service provisioning process by accessing a provisioning server from an unprovisioned handset via an Internet connection.” Paragraphs 15-17. Moles further describes provisioning as transferring “necessary configuration data, such as Number Assignment Module (NAM) data, Preferred Roaming List (PRL) data, or authentication code (or “A-key”) data.” Paragraph 44. This data transfer is significantly different than the data transferred by Applicant’s invention.

Carroll also describes an “Over-the-Air Service Provisioning (OTASP) approach” to enable “provisioning of telephones over the air using network protocols.” Carroll at (column/line) 2/27-30. Carroll teaches the “wireless

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provisioning device uses the standard wireless interface to transfer the provisioning information to the wireless communications device.” Carroll at 4/2-4.

Even if the purported combination of Moles and Carroll would arguably teach or suggest each of the elements in Claim 7, the combination of Carroll with Moles is improper because Carroll teaches away from the use on existing wireless communication devices and networks. Carroll discloses a Wireless Universal Provisioning Device (“WUPD”) for use in performing “service provisioning” on wireless communication devices. Carroll explains that “to facilitate WUPD provisioning, wireless handset standards must be modified to enable the handset to lock on to the WUPD to receive provisioning data.” Carroll at 5/5-7. Both Applicant’s invention and Moles teach methods for use on existing wireless communication devices without modifying any wireless standards. It is implicit in Moles disclosure and Applicant’s disclosure that these systems are intended for use on existing wireless devices for existing wireless networks and do not require fundamental changes in the way wireless networks operate in order for the described provisioning methods to operate. Applicant’s invention is currently being utilized on existing wireless communication devices without modifying any wireless communication device standards as required by Carroll.

Carroll also teaches that the OTASP does not require the manufacturer to perform unique operations for each telephone and that the WUPD “eliminates the

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need for cables and protocol information that differ for each model of a particular type of device being provisioned." Carroll at 2/56-58, 4/60-63. In contrast to these additional requirements for Carroll's invention, Applicant's invention is directed to preparing wireless communication devices from different manufacturers for each specific mobile phone carrier by performing processes that can be unique for each handset using a wired universal connector. Because Carroll's teaching would render Applicant's invention useless for its intended purpose, it is improper to attempt to combine Carroll with any reference to support an obviousness rejection. Moles does not by itself anticipate or suggest claim 7 because it does not teach or suggest connecting/disconnecting the provisioning controller to/from the mobile station, as noted in the office action. It is respectfully submitted claim 7 and the claims that depend therefrom are allowable over Moles and/or Carroll.

In view of the foregoing, reconsideration and further examination of the disallowed/amended claims and further examination of this application as amended and allowance of all claims are respectfully requested. The undersigned is available by telephone if any remaining issues can be resolved in this manner.



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